

Supporting Patient Choice in Data Sharing and Modernizing the Illinois Mental Health Confidentiality Act (HB 1017 engrossed, SA #1 – Feigenholtz; Steans)

PROBLEM: Illinois law¹ does not allow electronic data sharing of mental health information in real time for the purposes of care coordination via the Illinois Health Information Exchange (ILHIE).

Under care coordination, behavioral health and medical providers must be able to exchange health information electronically and in real time to improve patient outcomes and reduce costs.

However, Illinois law was developed in a paper-based era and prior to care coordination. The law is mute on electronic exchange and the Illinois Health Information Exchange (ILHIE) and prohibits real time data sharing.

SOLUTION: Illinois law must be modernized to allow for the use of the ILHIE and real time data sharing, supporting the success of care coordination and Medicaid reform.

Statewide use of the ILHIE will benefit all patients in Illinois. The ILHIE provides a secure electronic network to exchange health information among all providers involved in a patient's care, and is critical to the success of Medicaid care coordination and reform. The ILHIE also helps control health care costs and facilitates patient involvement and informed decisions.

HB 1017 as amended will:

- Give patients and providers a choice to share mental health data electronically and in real time
- Foster better care coordination among behavioral health and medical providers
- Clarify the consent process for providers connected to ILHIE
- Recognize the role and responsibilities of the ILHIE to facilitate secure data exchange for the improvement of patient care
- Clarify meaningful disclosure and the way information will be shared with patients regarding their right to opt-out
- Standardize how patient consent is managed by HIEs operating in the State of Illinois

- OVER -

ENDORSEMENTS

- Community Behavioral Healthcare Association of Illinois
- Illinois Academy of Family Physicians
- Illinois Alcoholism and Drug Dependence Association
- Illinois Association of Rehabilitation Facilities
- Illinois College of Emergency Physicians
- Illinois Hospital Association
- Illinois Psychiatric Society
- Illinois Primary Health Care Association
- Illinois State Medical Society
- National Association of Social Workers – Illinois Chapter

¹ Illinois Mental Health and Developmental Disabilities Confidentiality Act, 740 ILCS 110

Changing Illinois law will give patients and providers a choice to participate in real time data sharing facilitated by ILHIE.

Patient choice:

Right now: patients must sign a consent form each and every time they share mental health information with their physician or other specialist. This consent form must specify information being shared, the sender and recipient of the information and carry a duration. The form must also be witnessed.

When HB 1017 as amended is enacted: patients who are receiving care from a provider connected to ILHIE, will be able to...

- Choose to have mental health information sent by ILHIE for treatment purposes in real time
- Choose not to have mental health information sent by ILHIE, but rather choose to have some information sent by fax/U.S. Mail (which is how information is sent today), OR
- Decline to allow any information to be shared between their providers

Provider choice:

Providers connected to ILHIE will be able to offer their patients the choice to have records sent via ILHIE and in real time. If the patient declines, then records will continue to be sent by fax or snail mail.

Providers still conducting business in a paper-based environment will continue to operate under their current practices and current law.

April 29, 2013